

A BILL TO BE ENTITLED

AN ACT

relating to limitations on the authority of the State Purchasing and General Services Commission to acquire certain materials, supplies, and equipment for hospitals operated by university systems or institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 3.01, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended, is amended to read as follows:

Sec. 3.01. (a) The commission shall purchase, lease, rent, or otherwise acquire all supplies, materials, services, and equipment for all state agencies, except for the following materials, supplies, and services acquired for libraries or hospitals operated as a part of university systems or institutions of higher education:

(1) serial and journal subscriptions;

(2) rare library materials, including books and papers;

[and]

(3) other library materials, including books, papers, and copyrighted materials, and library services that are available from only one supplier or only from a person holding exclusive distribution rights to the materials or services; and

(4) hospital-related materials, supplies and equipment available through a group purchasing program that offers purchasing services at discount prices to two or more hospital facilities.

SECTION 2. This Act takes effect September 1, 1989.

SECTION 3. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

1 By: Brooks

S.B. No. 514

2 (In the Senate - Filed February 13, 1989; February 14, 1989,
3 read first time and referred to Committee on Education;
4 March 15, 1989, reported adversely, with favorable Committee
5 Substitute by the following vote: Yeas 9, Nays 0; March 15, 1989,
6 sent to printer.)

7 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
8 Parker	x			
9 Truan	x			
10 Barrientos	x			
11 Brooks	x			
12 Edwards	x			
13 Green	x			
14 Haley	x			
15 Johnson	x			
16 Krier	x			
17 Uribe				x
18 Zaffirini				x

20 COMMITTEE SUBSTITUTE FOR S.B. No. 514

By: Brooks

21 A BILL TO BE ENTITLED
22 AN ACT

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33 state agencies, except for the following materials, supplies, and
34 services acquired for libraries or hospitals, including clinics,
35 operated as a part of university systems or institutions of higher
36 education:

37 (1) serial and journal subscriptions;

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39 papers; [and]

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41 and copyrighted materials, and library services that are available
42 from only one supplier or only from a person holding exclusive
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51 emergency and an imperative public necessity that the
52 constitutional rule requiring bills to be read on three several
53 days in each house be suspended, and this rule is hereby suspended.

54 * * * * *

55 Austin, Texas
56 March 15, 1989

57 Hon. William P. Hobby
58 President of the Senate

59 Sir:

60 We, your Committee on Education to which was referred S.B. No.
61 514, have had the same under consideration, and I am instructed to
62 report it back to the Senate with the recommendation that it do not
63 pass, but that the Committee Substitute adopted in lieu thereof do
64 pass and be printed.

65 Parker, Chairman

SENATE FAVORABLY AS SUBSTITUTED COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

5/17/88 9:15 AM
(date)/(time)

Sir:

We, your Committee on EDUCATION to which was referred
HB 114 by Brooks have on 5/15, 19 88, had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

- ☐ do pass as substituted, and be printed
 - ☐ the caption remained the same as original measure
 - ☐ the caption changed with adoption of the substitute
- ☐ do pass as substituted, and be ordered not printed
- ☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

Senate Sponsor of House Measure _____

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Parker, Chairman	<input checked="" type="checkbox"/>			
Truan, Vice Chairman	<input checked="" type="checkbox"/>			
Barrientos	<input checked="" type="checkbox"/>			
Brooks	<input checked="" type="checkbox"/>			
Edwards	<input checked="" type="checkbox"/>			
Green	<input checked="" type="checkbox"/>			
Haley	<input checked="" type="checkbox"/>			
Johnson	<input checked="" type="checkbox"/>			
Krier	<input checked="" type="checkbox"/>			
Uribe	<input checked="" type="checkbox"/>			
Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	10	0		

[Signature]
COMMITTEE CLERK

[Signature]
CHAIRMAN

LEGISLATIVE BUDGET BOARD

Austin, Texas

FEB 28 1989

FISCAL NOTE

February 24, 1989

TO: Honorable Carl A. Parker, Chairman
Committee on Education
Senate Chamber
Austin, Texas


In Re: Senate Bill No. 514
By: Brooks

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 514 (relating to limitations on the authority of the State Purchasing and General Services Commission to acquire certain materials, supplies, and equipment for hospitals operated by university systems or institutions of higher education) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, AL, CKM


By Brooks

C.S.S.B. No. 514

A BILL TO BE ENTITLED

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relating to limitations on the authority of the State Purchasing and General Services Commission to acquire certain materials, supplies, and equipment for hospitals operated by university systems or institutions of higher education.

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2 legislation and the crowded condition of the calendars in both
3 houses create an emergency and an imperative public necessity
4 that the constitutional rule requiring bills to be read on three
5 several days in each house be suspended, and this rule is hereby
6 suspended.

March 22 1989 Engrossed

Patsy Spaw
Engrossing Clerk

I certify that the attached is a true and correct
copy of SB 514 which was
received from the Senate on MAR 28 1989
referred to the Committee on State Affairs

Benjamin M. ...
Clerk of the House

By: Brooks

S.B. No. 514

A BILL TO BE ENTITLED

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5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 20, 1989

TO: Honorable Carl A. Parker, Chairman
Committee on Education
Senate Chamber
Austin, Texas

In Re: Committee Substitute
for Senate Bill No. 514

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for Senate Bill No. 514 (relating to limitations on the authority of the State Purchasing and General Services Commission to acquire certain materials, supplies, and equipment for hospitals operated by university systems or institutions of higher education) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: LBB Staff: JO, JWH, AL, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FEB 23 1989

FISCAL NOTE

February 24, 1989

TO: Honorable Carl A. Parker, Chairman
Committee on Education
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 514
By: Brooks

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 514 (relating to limitations on the authority of the State Purchasing and General Services Commission to acquire certain materials, supplies, and equipment for hospitals operated by university systems or institutions of higher education) this office has determined the following:

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Source: LBB Staff: JO, JWH, AL, CKM

HOUSE COMMITTEE REPORT

05 APR 10 PM 2:27

AM 05 APR 10 PM 2:27

1st Printing

By Brooks
(Hury)

S.B. No. 514

Substitute the following for S.B. No. 514:

By Hury

C.S.S.B. No. 514

A BILL TO BE ENTITLED

AN ACT

relating to limitations on the authority of the State Purchasing and General Services Commission to acquire certain materials, supplies, and equipment for state-owned hospitals or clinics.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 3.01, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended, is amended to read as follows:

Sec. 3.01. (a) The commission shall purchase, lease, rent, or otherwise acquire all supplies, materials, services, and equipment for all state agencies, except for the following materials, supplies, equipment, and services acquired for libraries operated as a part of university systems or institutions of higher education or for state-owned hospitals or clinics:

(1) serial and journal subscriptions;

(2) rare library materials, including books and papers;

[and]

(3) other library materials, including books, papers, and copyrighted materials, and library services that are available from only one supplier or only from a person holding exclusive distribution rights to the materials or services; and

(4) materials, supplies or equipment purchased by a state-owned hospital or clinic through a group purchasing program that offers purchasing services at discount prices to two or more

1 hospital or clinic facilities if the chief executive officer of the
2 hospital or clinic, or his designee, certifies that the purchase of
3 the particular supplies, material or equipment through the group
4 purchasing program is the most cost-effective method of purchasing
5 available.

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8 and the crowded condition of the calendars in both houses create an
9 emergency and an imperative public necessity that the
10 constitutional rule requiring bills to be read on three several
11 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

4/3/89

(date)

Sir:

We, your COMMITTEE ON STATE AFFAIRS,

to whom was referred SB514 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

() do pass, without amendment.

() do pass, with amendment(s).

☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes () no

An actuarial analysis was requested. () yes ☒ no

An author's fiscal statement was requested. () yes ☒ no

A criminal justice policy impact statement was prepared. ☒ yes () no

A water development policy impact statement was requested. () yes ☒ no

☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the () Local, ☒ Consent, or () Resolutions Calendar.

This measure () proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure HURY

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney, Ch.			<input checked="" type="checkbox"/>	
Guerrero, V.C.	<input checked="" type="checkbox"/>			
Tallas, C.B.O.	<input checked="" type="checkbox"/>			
Cain	<input checked="" type="checkbox"/>			
Gibson	<input checked="" type="checkbox"/>			
Harrison	<input checked="" type="checkbox"/>			
Hilbert	<input checked="" type="checkbox"/>			
Hury	<input checked="" type="checkbox"/>			
Jones	<input checked="" type="checkbox"/>			
Oakley	<input checked="" type="checkbox"/>			
Perez	<input checked="" type="checkbox"/>			
Saunders	<input checked="" type="checkbox"/>			
Smith, T.	<input checked="" type="checkbox"/>			

Total

12 aye

0 nay

1 present, not voting

0 absent

CHAIRMAN

COMMITTEE COORDINATOR

By: Brooks (MS: Hury)
C.S.B. (Hury)

BILL ANALYSIS

Background

The University of Texas Medical Branch at Galveston presently purchases its hospital related materials, services and equipment either on an open-market basis or on state contract. In both cases the purchases are made on the basis of less than 2000 beds.

Hospital purchasing groups and alliances establish contracts for hospital materials, supplies and equipment based on the requirements of all hospitals in the group. These combined requirements vary from 26,000 to 130,000 beds, depending on the group. Buying in such quantities allows the groups to realize substantial savings. It is estimated that UTMB could save 10% to 20% by participating in such groups.

Purpose

To allow State Purchasing to purchase hospital equipment, material and supplies through participation in a hospital purchasing group or alliance.

Synopsis

Amends the State Purchasing and General Services Act to require State Purchasing to participate in a hospital purchasing group or alliance.

Rulemaking Authority

It is the opinion of the committee that this bill delegates no rulemaking authority to any state agency, officer, department or institution.

Summary of Committee Action

The committee took up S.B. 514 in a public hearing posted in accordance with the Rules of the House on April 3, 1989. At that time the committee voted to report S.B. 514, with a complete substitute and with the recommendation it do pass by a record vote of 12 ayes, no nays and 1 PNV.

Comparison of Original to the Substitute

The substitute bill cleans up and clarifies references to state-owned hospitals and more clearly defines the participation of state purchasing.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 3, 1989

TO: Honorable James E. "Pete" Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: Senate Bill No. 514,
as engrossed
By: Brooks

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 514, as engrossed (relating to limitations on the authority of the State Purchasing and General Services Commission to acquire certain materials, supplies, and equipment for hospitals operated by university systems or institutions of higher education) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: LBB Staff: JO, JWH, AL, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 20, 1989

TO: Honorable Carl A. Parker, Chairman
Committee on Education
Senate Chamber
Austin, Texas

In Re: Committee Substitute
for Senate Bill No. 514

FROM: Jim Oliver, Director

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Source: LBB Staff: JO, JWH, AL, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

SEP 28 1989

FISCAL NOTE

February 24, 1989

TO: Honorable Carl A. Parker, Chairman
Committee on Education
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 514
By: Brooks

FROM: Jim Oliver, Director

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Source: LBB Staff: JO, JWH, AL, CKM

ADOPTED

MAY 5 1989

Brad Murray
Chief Clerk
House of Representatives

By: Brooks

S.B. No. 514

Substitute the following for S.B. ^{Do.} 514:
A

By: *Hony*

C.S.S.B. No. 514

A BILL TO BE ENTITLED

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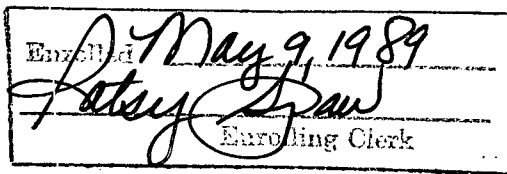
HOSPITAL PURCHASING

Type & Print
APRIL 3, 1989
House Sub
5-12-89

1 offers purchasing services at discount prices to two or more
2 hospital or clinic facilities if the chief executive officer of
3 the hospital or clinic or his designee certifies that the
4 purchase of the particular supplies, material, or equipment
5 through the group purchasing program is the most cost-effective
6 method of purchasing available.

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9 legislation and the crowded condition of the calendars in both
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9 constitutional rule requiring bills to be read on three several
10 days in each house be suspended, and this rule is hereby suspended.

S.B. No. 514

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 514 passed the Senate on March 22, 1989, by a viva-voce vote; and that the Senate concurred in House amendment on May 9, 1989, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 514 passed the House, with amendment, on May 5, 1989, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 3, 1989

TO: Honorable James E. "Pete" Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: Senate Bill No. 514,
as engrossed
By: Brooks

FROM: Jim Oliver, Director

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Source: LBB Staff: JO, JWH, AL, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 20, 1989

TO: Honorable Carl A. Parker, Chairman
Committee on Education
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In Re: Committee Substitute
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FROM: Jim Oliver, Director

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FEB 23 1989

FISCAL NOTE

February 24, 1989

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Austin, Texas

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By: Brooks

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Source: LBB Staff: JO, JWH, AL, CKM

S.B. NO. 514

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 514 (1) passed the Senate on March 22 (2), 1987, by a viva-voce the following vote: Yeas (3), Nays (4); and that the Senate concurred in House amendment on May 9 (5), 1987, by a viva-voce the following vote: Yeas (6), Nays (7).

Secretary of the Senate

I hereby certify that S.B. No. 514 (1) passed the House, with amendment, on May 5 (8), 1987, by a non-record the following vote: Yeas (9), Nays (10).

Chief Clerk of the House

Approved:

Date

Governor

S. B. No. 514

By B. Grohn

AN ACT relating to limitations on the authority of the State Purchasing and General Services Commission to acquire certain materials, supplies, and equipment for hospitals operated by university systems or institutions of higher education.

2-13-89 Filed with the Secretary of the Senate

FEB 14 1989 Read and referred to Committee on EDUCATION

Reported favorably

MAR 15 1989 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

MAR 22 1989 Senate and Constitutional Rules to permit consideration suspended by: unanimous consent
_____ yeas, _____ nays

MAR 22 1989 Read second time, _____, and ordered engrossed by: unanimous consent
a viva voce vote
_____ yeas, _____ nays

Caption ordered amended to conform to the body of the bill.

MAR 22 1989 Senate and Constitutional 3 Day Rule suspended by a vote of 28 yeas, 1 nays.

MAR 22 1989 Read third time, _____, and passed by a viva voce vote

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

March 22, 1989 Engrossed

3-28-89 Sent to House

Engrossing Clerk Patsy Spaw

MAR 28 1989 Received from the Senate

MAR 29 1989 Read first time and referred to Committee on State Affairs

APR 3 1989 Reported favorably subst amended, sent to Printer at 6:45pm

APR 10 1989 Printed and Distributed 2:27 pm

APR 11 1989 Sent to Committee on Calendars 9:54 am

MAY 5 1989 Read Second time (amended): passed to third reading (failed)

(Non-Record Vote) Record Vote of _____ yeas, _____ nays, _____ present not voting

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, _____ present not voting.

MAY 5 1989 Read third time (amended); finally passed (failed) by (Non-Record Vote) Record Vote of _____ yeas, _____ nays, _____ present not voting.

MAY 5 1989 Caption ordered amended to conform to body of bill.

MAY 8 1989 Returned to Senate.

Betty Mussey
CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

MAY 8 1989 Returned from House with 1 amendments.

MAY 9 1989 Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____,
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommended to Conference Committee

_____ Conferees discharged

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

89 APR 10 PM 2:27

HOUSE OF REPRESENTATIVES

Blanchard